

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

| | | |
|------------------------|---|---------------------------|
| DIRECTV INC., |) | |
| Plaintiff, |) | |
| |) | 1:03CV528 |
| |) | |
| v. |) | <u>ORDER OF DISMISSAL</u> |
| |) | |
| |) | |
| TIMOTHY J. JOSEY, SR., |) | |
| Defendant. |) | |

This matter came on before the court at the June 21, 2006, motions day in Durham on motion of Defendant Josey to reopen the case after the court had entered an Order of dismissal. The first dismissal order was entered after the court had been informed that the case had been settled. At the conclusion of the June 21 hearing, the parties again announced that they had settled the case and that settlement documents would be signed forthwith. While the court has not been informed whether those settlement documents have been signed, the court has waited and held the case open an appropriate length of time. Therefore, the court having been advised by both sides at the June 21 hearing that all matters in controversy in this action have been fully settled and compromised, and since June 21 not having been advised to the contrary, it is now

ORDERED that the action be and the same is HEREBY DISMISSED. Each

side will bear its own costs. The clerk is DIRECTED to close the case. Pursuant to the provisions of Rule 41(a)(2), the court retains jurisdiction of the matter to the extent necessary to enforce the settlement agreement.

A handwritten signature in black ink, appearing to read "Wallace W. Dixon", is positioned above a horizontal line.

WALLACE W. DIXON
UNITED STATES MAGISTRATE JUDGE

October 30, 2006